

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

McKINLEY ROSS,

Plaintiff,

v.

CHERRY DONLEY, et al.,

Defendants.

CIVIL ACTION

No. 07-3066-KHV

ORDER

McKinley Ross, *pro se*, brings suit against Roger Wherholtz, Secretary of the Kansas Department of Corrections, and various employees of the state correctional facility in Ellsworth, Kansas. Plaintiff alleges violations of his rights under the Fourth, Fifth, Eighth and Fourteenth Amendments. Plaintiff also alleges that defendants violated the Fourth, Fifth, Eighth and Fourteenth Amendment rights of his wife, Susan Giles, and his step-daughter, Megan Giles. On April 26, 2007, the Court ordered plaintiff to show good cause in writing on or before May 11, 2007, why it should not dismiss for lack of standing his claims on behalf of Susan Giles and Megan Giles. See Memorandum And Order And Order To Show Cause (Doc. #33) at 2 n.1. Specifically, the Court noted that plaintiff has not alleged any facts which suggest that third party standing is appropriate in this case. Id. Plaintiff has not responded. Accordingly, for substantially the reasons set forth in its previous order to show cause, the Court finds that plaintiff lacks standing to assert claims on behalf of Susan Giles and Megan Giles. The Court therefore dismisses those claims.

IT IS SO ORDERED.

Dated this 16th day of May, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge